

REMARKS

This Request for Continued Examination is filed in response to the Final Rejection dated January 25, 2005. Since this filing is submitted six months after the mailing date of the Final Rejection, a Petition for Extension of Time – Three Months accompanies this filing. An Information Disclosure Statement is also submitted with this Request for Continued Examination. Applicant respectfully requests favorable consideration of the references identified therein.

Claims 1, 3-16, and 18-29 are pending in the above-identified application. In the Final Rejection of January 25, 2005, all of the pending claims were rejected for the following reasons:

- claims 10 and 15 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S.P.N. 2,104,714 (“Moore”);
- claims 1 and 3-9 have been rejected under 35 U.S.C. § 103(a) as being obvious over U.S.P.N. 6,292,956 (“Kayahara”);
- claims 11-14 have been rejected under 35 U.S.C. § 103(a) as being obvious over Moore;
- claims 16 and 18-29 have been rejected under 35 U.S.C. § 103(a) as being obvious over the combination of Moore with Kayahara.

These rejections are traversed for the following reasons.

I. Claims 10 and 15 are Not Anticipated by Moore

Claims 10 and 15 are rejected under 35 U.S.C. §102(b) as being anticipated by Moore. Applicants respectfully traverse these rejections because all of the limitations of amended claim 10 are not disclosed or suggested by Moore.

The Examiner states that the prior amended limitation that “the vertically extending rigid members are integral to the seat” is insufficient to distinguish claim 10 from Moore. The Examiner further states that once the vertically extending rigid members are assembled to the seat, they are an “integral” component of the seat. Claim 10 has been amended to clarify that the

vertically extending rigid members located between the outer and inner rims of the left side and the right side of the toilet seat are *integrally formed in* the seat rather than simply *integral to the seat*. The vertically extending rigid members are not separate or detachable parts of the toilet seat. They are not manufactured separately and then assembled or attached to the toilet seat as suggested by the Examiner. Rather, they constitute part of the toilet seat and are integrally formed in the toilet seat.

Moore does not teach this limitation. In contrast, Moore teaches anchoring clips that are secured or attached to the seat sections with freedom for transverse adjustments. *See* Moore, col. 2, lns. 32-34. The anchoring clips of Moore are secured to the seat with screws that allow for transverse adjustment and, therefore, are not integrally formed in the seat. *See* Moore, col. 2, lns. 32-36. Rather, the anchoring clips of Moore must be manufactured separately from the seat sections and later attached thereto.

Furthermore, the anchoring clips of Moore allow both independent lateral and pivotal movements so that the seat of Moore can be independently raised and moved from side to side. *See* Moore, col. 2-3, lns. 55- 3. The seat of claim 10, on the other hand, is not movable or adjustable. The vertically extending rigid members are provided to prevent movement of the seat and to provide stability to the seat rather than to allow movement of the seat as in Moore.

For at least these reasons, Moore does not anticipate independent claim 10 or the claims depending therefrom. Since claim 15 depends from claim 10, claim 15 distinguishes from Moore for at least the same reasons as claim 10.

The Examiner also states that Moore also includes a plurality of radially disposed support members. However, Moore describes these as resilient bumpers or stop elements. *See* Moore, col. 2, lns. 30-32. The resilient bumpers of Moore are not the same as the radially disposed

support members of the claimed invention. Rather, the resilient bumpers in Moore are secured to the anchoring clips and can be adjusted so that their tips engage with the bowl rim when the seat sections are expanded to their maximum positions. *See* Moore col. 2, lns. 30-41. The plurality of radially disposed support members of the claimed invention are included around the entire toilet seat and are not “attached” to the vertically extending rigid members. They do not function as bumpers or stoppers as with Moore, but provide support to the entire toilet seat to sustain the weight of an obese person. This difference further distinguishes claim 15 from Moore.

In view of the above, Applicants request that the rejection of claims 10 and 15 be reconsidered and withdrawn.

III. Claims 1 and 3-9 are not Obvious in View of Kayahara

Claims 1 and 3-9 stand rejected under 35 U.S.C. § 103(a) as being obvious in view of Kayahara. The Office Action states that the amended limitation to point out that the reinforced portion of the base portion vertically extends from the bottom of the base portion to the bowl portion is insufficient to distinguish claim 1 from Kayahara. This rejection is traversed because Kayahara does not disclose or suggest all of the limitations of amended claims 1 and 3-9.

To properly reject a claim under 35 U.S.C. §103(a), the Manual of Patent Examining Procedure imposes a burden on the Patent Office to establish a prima facie case of obviousness:

The examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. If the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of non-obviousness.

M.P.E.P § 2142. There are three basic criteria to a case of prima facie obviousness: i) there must be some suggestion or motivation to modify the references or combine the reference teachings; ii) there must be reasonable expectation of success in modifying or combining the references; and iii) the prior art references must disclose or suggest all of the limitations of the claimed

invention. *Id.* The Office Action has failed to establish a prima facie case of obviousness because all of the limitations of amended claim 1 are not disclosed or suggested by Kayahara.

Claim 1 has been further amended to clarify that the reinforced portion of the base portion is located in the *interior* of the base portion and extends to the bowl portion where the most stress is present when in use. On the other hand, Kayahara teaches fold back portions located on the rear portion of the main body of the toilet, which does not relieve stress on the bowl portion. *See* Kayahara, col. 5, lns. 10-11. In the previous Office Action dated June 9, 2004, the Examiner likened the reinforced portion of Claim 1 with the fold back portion (at 8) of Kayahara. The Examiner also states in the Final Office Action that, if Figure 1 is cross-sectioned, a reinforced portion vertically extending from the base portion to the bowl portion can be seen as in Figure 2 of the claimed invention. It is clear, however, that Kayahara does not teach this limitation. Rather, Kayahara states that the fold back portion (at 8) is formed from the main body of the toilet bowl as a unit in the *rear* portion thereof. *See* Kayahara col. 5, lns. 10-12. Unlike the claimed invention, the reinforcements of Kayahara are not adjacent to the base and bowl portion and do not extend from the bottom of the base portion to the bowl portion as taught by claim 1. On the contrary, the reinforcements in Kayahara are adjacent to the tank portion at the rear of the toilet away from the bowl portion. *See* Kayahara, Fig. 18, col. 8, lns. 3-5. As shown in Figure 18 of Kayahara, the reinforced portion cannot extend to the bowl portion as suggested by the Examiner due to its position at the back of the base portion.

Furthermore, the purpose of Kayahara's fold back portions is to provide stability when connecting the toilet to a wall or other surface. On the other hand, the reinforcements of the claimed invention serve to alleviate the stress imposed on the side of the bowl when used by an obese person. Kayahara teaches away from this. The reinforcements taught by Kayahara,

therefore, do not eliminate the side stress placed on the bowl and base portions of the toilet when in use, which is provided by the claimed invention. Rather, the reinforcements in Kayahara are simply anchorage devices for attaching or mounting the toilet to a floor or other surface and providing reinforcement when connecting to a floor or other surface. Although Kayahara refers to the fold back portions (at 8) as reinforced portions, this feature is not the same as the reinforced portion of Claim 1.

Kayahara therefore fails to disclose or suggest all of the limitations of claim 1, as amended. Applicants therefore respectfully submit that this rejection has been traversed. Since claims 3-9 depend from claim 1, Kayahara also fails to teach all of the limitations of these claims for the same reasons as claim 1. Applicants therefore request that the rejection of claims 1 and 3-9 be reconsidered and withdrawn.

IV. Claims 11-14 are not Obvious in View of Moore

The rejection of claims 11-14 as being obvious in view of Moore is traversed because Moore fails to teach all of the limitations of these claims. All of claims 11-14 depend from claim 10, which has been distinguished from Moore. *See* discussion *supra*. Claims 11-14 distinguish from Moore for at least these same reasons. Since Moore fails to disclose or suggest all of the limitations of claims 11-14, Applicants respectfully submit that this rejection has been traversed. Applicants therefore request that the rejection of claims 11-14 be reconsidered and withdrawn.

V. Claims 16 and 18-29 are not Obvious in View of the Combination of Moore with Kayahara

The Office Action states that claims 16 and 18-29 stand rejected under 35 U.S.C. § 103(a) as being obvious over the combination of Moore with Kayahara. The rejection of claims 16 and 18-29 is traversed since the combination of Moore with Kayahara does not teach all of the limitations of claims 16 and 18-29.

Claim 16 has been amended to clarify that the vertically extending rigid members located between the outer and inner rims of the left side and the right side of the toilet seat are *integrally formed in the seat* rather than simply *integral to the seat*. As previously explained, neither Moore nor Kayahara teaches this limitation. *See discussion supra*. The vertically extending rigid members are not separate or detachable parts of the toilet seat but constitute part of the toilet seat and are integrally formed in the toilet seat.

Claim 16 has also been amended to clarify that the reinforced portion of the base portion is located in the *interior* of the base portion and extends to the bowl portion where the most stress is present when in use. This limitation is not disclosed or suggested by the cited references as discussed above. *See discussion supra*. Since the combination of Moore with Kayahara does not teach all of the limitations of claim 16, Applicants respectfully submit that this rejection has been traversed. Applicants therefore request that the rejection of claim 16 be reconsidered and withdrawn.

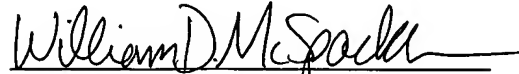
Claims 18-29 depend from claim 16, which has been distinguished from Moore in view of Kayahara. Claims 18-29 distinguish from Moore in view of Kayahara for at least these same reasons. Since the combination of Moore with Kayahara fails to teach all of the limitations of claims 18-29, Applicants respectfully submit that this rejection has been traversed. Applicants therefore request that the rejection of claims 18-29 be reconsidered and withdrawn..

VI. Conclusion

Applicants respectfully submit that the pending claims 1, 3-16, and 18-29 are now in condition for allowance. A check in the amount of \$905.00 is submitted with this filing to cover the cost of the Request for Continued Examination (\$395) and a Three-Month Extension of Time (\$510). If it is determined that additional fees are due, the Director is authorized to charge those fees to our Deposit Account No. 13-0480, referencing Attorney Docket Number 35165552.13.

Respectfully submitted,

Date: 7/15/2005



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